

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200180252

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Y** **Date:** Apr 20 04
At the project site **Y** **Date:**

PROJECT LOCATION INFORMATION:

State: Colorado

County: Douglas

Center coordinates of site by latitude & longitudinal coordinates: 39-25-10.3017 104-55-30.5505

Approximate size of site/property (including uplands & in acres): 160 ac

Name of waterway or watershed: E. Plum Creek

SITE CONDITIONS: rural dry upland around the aquatic sites

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Stock Pond	x								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Approved x Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The above-mentioned wetland was determined to be non-jurisdictional based on the fact that the drainage basin for this tributary has an area of less than 5 square miles. In that regard using USGS Water Resources Investigation Report 99-4190, Analysis of the Magnitude and Frequency of Floods in Colorado is not warranted for use in determining a jurisdictional determination for this wetland. Since there is an upland inclusion with in the drainage between the wetland in question and the tributary to which it flows, this wetland is neither adjacent to nor surface connected to an interstate waters. Therefore, this wetland is isolated and non-jurisdictional.